G. R. S. IX-5]

*Previous references.*

CB 189-21-1-3
CB 168-20-304
CB 161-15-1-4
CB 168-20-102

*Later references.*

CB 26-23-142

1921.

( CB )

File No. 189-21

Serial Nos. 4 & 7

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* 4 & 7

**Part B for** Sep. 1921

SUBJECT.

Representation of Mr. A. Srinivasa Raghava Char re his Salary as Ag. Special 1st Grade Magistrate, Shimoga.

No. 274 of 1921.

To
The Registrar,
Chief Court.

Sirs, Among other things, that as Mr. Srinivasa Raghava Char held only an acting appointment, he is entitled only to his grade pay + the acting allowance under the rules.

WD 1888—GPB—16,826—23-7-21

Yours Obedient Servt

G. R. S. III-2]

4347

General and Revenue Secretariat. | C.B. File No. 189 of 1921.

Serial No. 4

From

The Registrar, Chief Court. No. 1239 dy 16.5.21

states that the Comptroller has authorized Mr. A. Srinivasaraghavachar to draw, a salary of Rs. 350 (his grade pay as Munsiff) + an acting allowance of Rs. 100/- as 4th Class First grade Magistrate, Shimoga, & recommends that under Fin. No. 333-44/C.B. 161-19-4 dy 3rd Sept. 20 he may be permitted to draw the minimum pay of the First grade magistrate Viz Rs. 500/-.

1) When Mr. C. Lakshmana Rao, Asst. Comr., was appointed to act as First grade Magistrate Mysore, during the absence of Mr. D.K. Ramakrishna on privilege leave in Feb. 1921, he was permitted to draw his grade pay as Asst. Comr plus the acting allowance under the rules. Vide letter No. 1854/C.B. 168-20-4 dy 18.4.21 of the Comptr.

2) Probably in accordance with this precedent the Comptroller has fixed the salary of Mr. Srinivasaraghavachar as above.

3) To meet cases of this kind it has to be made clear whether 'temporarily' used in clause 1 (b) of Fin. dy 3.9.20 referred to above includes acting & sub-pro-tem appointments also.

4) Subtd. for orders.

18/5/21

5) The word 'temporarily' in the above Govt. does not include acting appointments. As there is no specific rule authorising an acting officer to draw the minimum pay

NOTE—Contn. sheet.

Serial No.

is entitled to draw only his grade pay plus the acting allowances admissible under the rule. In the case of Sub-Judge there is a rule that an ~~acting~~ officer acting as a Sub-Judge will draw the minimum pay of the appointment. If a similar rule is to be made applicable to cases like the present one, then an Asst Commissioner drawing Rs 250, if appointed to act as a Sub Judge for want of a suitable candidate on a higher salary, will have to be given Rs 500. Whenever acting appointments are made, the allowance admissible as per existing orders (Grade pay + acting allowance) appear to be insufficient to meet the requirements of the case

Chief Secy } dy 19/5—

6) There is no agreement that the minimum pay of Subordinate is Rs 500, but it only has been intended that a subordinate appointed to act as 1st grade Magte should draw the minimum pay of Rs 500. When Mr C. Lakshmana Rao was appointed to act he got his pay as Asst Rs 250 + allowance Rs 100. 7) Other Asst Collrs might be similarly

8) Fin Secy } dy 20/5— 2/5—

NOTE—Contn. sheet.

General and Revenue Secretariat. | C.B. File No. 189 of 19 . | 4347

Serial No.

2260-21 Fe.

9) For reasons stated in the Ad Secty Asst Secys' not only acting allce calculated under the regulations seem to be admissible. Under the regulations acting appointments are distinguishable from temporary appts. Precedent pointed out by Ad Secty also establishes this view. The analogy of Sub-judges in whose case there is a special provision (Fl Secy) does not apply in this case

Mull 27.5.22 mad 27/5

10) Chief Secty) CB. mad 29/5

5777 30/5

11) Mr Mennes) 31/5

12) I would like to see the rules under which allces (acting) subsidiary to drawn the minimum salary of the appt.

13) Remarks re Art 69 M.S.R. 1/6

5801 1/6

14) Mr Mennes)

There is absolutely no reason why acting and officiating Judges should not draw acting allowances on the minimum pay of the grade to which they belong as in accordance with the Article 2 Supplementary will have to be amended. Expenditure. Mr. Mennes is absolutely

NOTE—Contn. sheet.

Serial No.

no difference in the style & writing & subject and a Muscript. the Ord 67 of 1917 shld I think be modified.

15) But until this modification takes place the Revenue Secretariat will have to attend, the Munsiff pay the appt. since by Order & his appt. as a 1st grade Magistrate, the allowance his rank & status & the Sub Judge

16) Submitted

This involves a charge of Rs 2/6 & 4/6

DEWAN'S OFFICE.
Recd. on JUN 5 1922
Reg. No. 6859

17) Dewan)

I am not clear on the point in dispute. Does the order of 1917 authorise Munsiff pay. The rank & status of a Subjudge is assumed into these cases. The duties may well be similar but a Subjudge has all the allowances of the Service may perhaps be selected & the Magistrate

18) I am rather in favour of the Government.

19) May be passed on

NOTE—Contn. sheet.

(For Disposal at a Meeting)

No. C. 607

1921-22

# GENERAL AND REVENUE SECRETARIAT.

**Council Matter.**

SUBJECT.

(Clause xiii of the schedule)

Representation of Mr. A. Srinivasaraghava Char regarding his salary as acting Special First Grade Magistrate, Shimoga.

21) CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

20th June 1922.

*Chief Secretary to Government.*

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Extraordinary Member of Council. 22) Secy. 2.7.22.

7473-257 / 26.6.22 First Member of Council. 23) Secy. Revenue 29-6-22

6102 / 26.6.22 Second Member of Council. 24) 26/6/22

Third Member of Council.

4349

Subject. -

Representation of Mr. A. Srinivasa Raghavachar regarding his salary as acting Special First Grade Magistrate, Shimoga.

....

OPINION OF THE COUNCIL:

note.

25) 1) The Fin dept views not accepted -
26) 2) Steps may be taken to modify the rule re minimum pay by Executive -

by
6/7/(illegible)

M.S.K.

27) Draft reply submitted. After issue of the draft, the question of modification of the rule will be worked up & submitted. } worked up separately.
28) Put up a clear draft
11/7

Submitted.
11.7.
29) Clear Secy 12/7

30) Issue 12/7

G. R. S. III-2.

General and Revenue Secretariat.

C.B File No. 189 of 19 22.

4347

| Serial No. | |
|---|---|
| 7 | To<br>The Registrar, Chief Court.<br>No 274/CB dy 12.7.1922.<br>With refree to SL4 supra, states that the G.O. refrd to, fixes the salary of the 1st. Grade magts at Rs 500/-, only in the case of Officers appointed to that post substantively or temporarily and as Mr. Srinivasaraghavachar held only an acting appointment, he is entitled to his grade pay plus the acting allce. admissible under the rules &c. |
| B. | |

NOTE—Contn. sheet.

CB. 2347

Chief Court of Mysore,
Bangalore, 16th May 1922.

17 MAY 1922

From

G. Sreenivasa Iyer, Esq., B.A., M.L.,

Registrar of the Chief Court of Mysore,

Bangalore.

To

S. Hirianniya, Esq., M.A., B.L.,

Secretary to the Government of Mysore,

General Department.

S i r,

I am directed to state that the District Magistrate of Shimoga, has forwarded a representation from Mr. A. Sreenivasaraghava Char, Acting Special First Grade Magistrate, Shimoga, stating that the Comptroller has authorised him to draw salary at Rs.350/-, his pay as Munsiff, Second Class, plus an acting allowance of Rs.100/- on the minimum pay of a First Grade Magistrate, but that under Government Order No. 333-44/C.B.161-19-4 dated the 3rd September 1920, he is entitled to draw the minimum pay of the First Grade Magistrate, viz, Rs.500/- and requesting therefore that he may be allowed to draw his salary at the latter rate. Having regard to the language used in the Government Order, "substantively or temporarily", and to the fact that acting Subordinate Judges also draw the minimum pay of that appointment, viz., Rs.500/- the Judges consider that Mr. Sreenivasaraghavachar's request is reasonable, and deserves favourable consideration.

I am therefore to request that Government may be pleased to accord sanction to Mr. Sreenivasaraghavachar's

drawing his salary at Rs. 500/-.

I have the honor to be,

Sir,

Your most obedient servant,

REGISTRAR.

FKS.

To

The Registrar, Chief Court of Mysore

Sir,

With reference to your letter No.R.O.C. 1239/21-22 dated the 16th May 1922 requesting sanction to Mr. A. Srinivasaraghavachar's drawing the minimum pay of the First Grade Magistrate, viz., Rs.500/- (under Government Order No.333-44/C.B.161-19-4 dated the 3rd September 1920) during the period he acted as such, I am directed to state that the Government Order referred to, fixes the salary of the first grade Magistrates at Rs.500, only in case of officers appointed to that post substantively or temporarily. But as Mr. Srinivasaraghavachar held only an acting appointment, he is entitled to his grade pay plus the acting allowances admissible under the rules.// I am to add that the analogy of acting Sub Judges in whose case there is a special provision (Art. 67, Mysore Service Regulations) does not apply to the case of Special Magistrates.

I have etc.

Chief Secretary to Govt.